



General Assembly

***Substitute Bill No. 5603***

*February Session, 2004*

\*       HB05603JUD             032204       \*

***AN ACT CONCERNING SEXUAL ASSAULT OF YOUTHS BY  
PERSONS STANDING IN A POSITION OF TRUST, AUTHORITY OR  
SUPERVISION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 53a-71 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (Effective October 1, 2004):

3       (a) A person is guilty of sexual assault in the second degree when  
4       such person engages in sexual intercourse with another person and: (1)  
5       Such other person is thirteen years of age or older but under sixteen  
6       years of age and the actor is more than two years older than such  
7       person; or (2) such other person is mentally defective to the extent that  
8       such other person is unable to consent to such sexual intercourse; or (3)  
9       such other person is physically helpless; or (4) such other person is less  
10      than eighteen years old and the actor is such person's guardian or  
11      otherwise responsible for the general supervision of such person's  
12      welfare; or (5) such other person is in custody of law or detained in a  
13      hospital or other institution and the actor has supervisory or  
14      disciplinary authority over such other person; or (6) the actor is a  
15      psychotherapist and such other person is (A) a patient of the actor and  
16      the sexual intercourse occurs during the psychotherapy session, (B) a  
17      patient or former patient of the actor and such patient or former  
18      patient is emotionally dependent upon the actor, or (C) a patient or  
19      former patient of the actor and the sexual intercourse occurs by means

20 of therapeutic deception; or (7) the actor accomplishes the sexual  
21 intercourse by means of false representation that the sexual intercourse  
22 is for a bona fide medical purpose by a health care professional; or (8)  
23 the actor is a school employee and such other person is a student  
24 enrolled in a school in which the actor works or a school under the  
25 jurisdiction of the local or regional board of education which employs  
26 the actor; or (9) the actor is a coach in an athletic activity or a person  
27 who provides intensive, ongoing instruction and such other person is a  
28 recipient of coaching or instruction from the actor and (A) is a  
29 secondary school student and receives such coaching or instruction in  
30 a secondary school setting, or (B) is under eighteen years of age; or (10)  
31 the actor is eighteen years of age or older and stands in a position of  
32 trust, authority or supervision over such other person by virtue of the  
33 actor's professional, legal, occupational or volunteer status and such  
34 other person is under eighteen years of age.

35 (b) Sexual assault in the second degree is a class C felony or, if the  
36 victim of the offense is under sixteen years of age, a class B felony, and  
37 any person found guilty under this section shall be sentenced to a term  
38 of imprisonment of which nine months of the sentence imposed may  
39 not be suspended or reduced by the court.

40 Sec. 2. Section 53a-73a of the general statutes is repealed and the  
41 following is substituted in lieu thereof (Effective October 1, 2004):

42 (a) A person is guilty of sexual assault in the fourth degree when: (1)  
43 Such person intentionally subjects another person to sexual contact  
44 who is (A) under fifteen years of age, or (B) mentally defective or  
45 mentally incapacitated to the extent that such other person is unable to  
46 consent to such sexual contact, or (C) physically helpless, or (D) less  
47 than eighteen years old and the actor is such other person's guardian  
48 or otherwise responsible for the general supervision of such other  
49 person's welfare, or (E) in custody of law or detained in a hospital or  
50 other institution and the actor has supervisory or disciplinary  
51 authority over such other person; or (2) such person subjects another  
52 person to sexual contact without such other person's consent; or (3)

53 such person engages in sexual contact with an animal or dead body; or  
 54 (4) such person is a psychotherapist and subjects another person to  
 55 sexual contact who is (A) a patient of the actor and the sexual contact  
 56 occurs during the psychotherapy session, or (B) a patient or former  
 57 patient of the actor and such patient or former patient is emotionally  
 58 dependent upon the actor, or (C) a patient or former patient of the  
 59 actor and the sexual contact occurs by means of therapeutic deception;  
 60 or (5) such person subjects another person to sexual contact and  
 61 accomplishes the sexual contact by means of false representation that  
 62 the sexual contact is for a bona fide medical purpose by a health care  
 63 professional; or (6) such person is a school employee and subjects  
 64 another person to sexual contact who is a student enrolled in a school  
 65 in which the actor works or a school under the jurisdiction of the local  
 66 or regional board of education which employs the actor; or (7) such  
 67 person is a coach in an athletic activity or a person who provides  
 68 intensive, ongoing instruction and subjects another person to sexual  
 69 contact who is a recipient of coaching or instruction from the actor and  
 70 (A) is a secondary school student and receives such coaching or  
 71 instruction in a secondary school setting, or (B) is under eighteen years  
 72 of age; or (8) such person subjects another person to sexual contact and  
 73 (A) the actor is eighteen years of age or older and stands in a position  
 74 of trust, authority or supervision over such other person by virtue of  
 75 the actor's professional, legal, occupational or volunteer status, and (B)  
 76 such other person is under eighteen years of age.

77 (b) Sexual assault in the fourth degree is a class A misdemeanor or,  
 78 if the victim of the offense is under sixteen years of age, a class D  
 79 felony.

This act shall take effect as follows:	
Section 1	October 1, 2004
Sec. 2	October 1, 2004

**JUD**      *Joint Favorable Subst.*

